

COMMITTEE REPORT

Madam President: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedure, to which was referred Engrossed Senate Bill 332 because it conflicts with HEA 1288-2005 without properly recognizing the existence of HEA 1288-2005, has had Engrossed Senate Bill 332 under consideration and begs leave to report back to the Senate with the recommendation that Engrossed Senate Bill 332 be corrected as follows:

- 1 Page 1, line 1, after "IC 4-6-2-1.5" insert ", AS AMENDED
- 2 BY HEA 1288-2005, SECTION 56,".
- 3 Page 1, line 9, delete "IC 20-6.1-1-8)" and insert "IC 20-18-
- 4 2-22)".
- 5 Page 1, line 13, delete "IC 20-8.1-5-2(e), IC 20-8.1-5.1-7,"
- 6 and insert "IC 20-33-8-12,".
- 7 Page 1, line 15, delete "IC 20-5-1-3)" and insert "**IC 20-26-**
- 8 **2-4)**".
- 9 Page 2, line 1, delete "IC 20-10.1-4-0.5 or IC 20-10.1-4-3.5,"
- 10 and insert "**IC 20-30-5-0.5 or IC 20-30-5-4.5**".
- 11 Page 2, line 7, delete "his the person's" and insert "the
- 12 person's".
- 13 Page 2, line 7, after "counsel of" delete "his the" and insert
- 14 "the person's".
- 15 Page 2, line 8, before "own" delete "person's".
- 16 Page 2, line 8, delete "his the person's" and insert "the
- 17 person's".
- 18 Page 3, between lines 4 and 5, begin a new paragraph and
- 19 insert:
- 20 "SECTION 5. IC 20-30-5-0.5 IS ADDED TO THE
- 21 INDIANA CODE AS A **NEW** SECTION TO READ AS
- 22 FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 0.5. (a) The**

1 **United States flag shall be displayed in each classroom of**
 2 **every school in a school corporation.**

3 **(b) The governing body of each school corporation shall**
 4 **provide a daily opportunity for students of the school**
 5 **corporation to voluntarily recite the Pledge of Allegiance in**
 6 **each classroom or on school grounds. A student is exempt**
 7 **from participation in the Pledge of Allegiance and may not**
 8 **be required to participate in the Pledge of Allegiance if:**

9 **(1) the student chooses to not participate; or**

10 **(2) the student's parent chooses to have the student not**
 11 **participate."**

12 **SECTION 6. IC 20-30-5-4.5 IS ADDED TO THE**
 13 **INDIANA CODE AS A NEW SECTION TO READ AS**
 14 **FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4.5. (a) In**
 15 **order that:**

16 **(1) the right of each student to the free exercise of**
 17 **religion is guaranteed within the schools; and**

18 **(2) the freedom of each student is subject to the least**
 19 **possible coercion from the state either to engage in or**
 20 **to refrain from religious observance on school**
 21 **grounds;**

22 **the governing body of each school corporation shall**
 23 **establish the daily observance of a moment of silence in**
 24 **each classroom or on school grounds.**

25 **(b) During the moment of silence required by subsection**
 26 **(a), the teacher responsible for a classroom shall ensure that**
 27 **all students remain seated or standing and silent and make**
 28 **no distracting display so that each student may, in the**
 29 **exercise of the student's individual choice, meditate, pray,**
 30 **or engage in any other silent activity that does not interfere**
 31 **with, distract, or impede another student in the exercise of**
 32 **the student's individual choice.**

33 **SECTION 7. IC 20-30-6-10, AS ADDED BY HEA 1288-**
 34 **2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS**
 35 **[EFFECTIVE JULY 1, 2005]: Sec. 10. A school corporation**
 36 **may permit a voluntary religious observance if the school**

1 corporation follows sections 11 through ~~13~~ **12** of this chapter
2 and any additional procedures that the school corporation
3 adopts to ensure that the observance is voluntary."

4 Page 3, delete lines 5 through 6, begin a new paragraph and
5 insert:

6 "SECTION 8. THE FOLLOWING ARE REPEALED
7 [EFFECTIVE JULY 1, 2005]: IC 20-10.1-7-11; IC 20-30-6-
8 13."

9 Renumber all SECTIONS consecutively.
(Reference is to ESB 332 as printed March 18, 2005.)

Senator GARTON, Chairperson

Senator R. YOUNG, R.M.M.

Senator YOUNG R. MICHAEL